CITY Of ALBUQUERQUE TWENTY-FIRST COUNCIL

	COUNCIL BILL NOENACTMENT NO
	SPONSORED BY:
1	ORDINANCE
2	"§9-10-1-1 SHORT TITLE.
3 4	Sections 9-10-1-1 et seq. shall be known and may be cited as the "Municipal Solid Waste Ordinance" of the City.
5	§9-10-1-2 PURPOSE
6 7 8	The purpose of §§ 9-10-1-1 et seq. is to preserve the health, comfort, and convenience of the inhabitants of the City and to preserve and improve the environmental quality of the City.
9	§ 9-10-1-3 DEFINITIONS.
10 11	For the purpose of §§ 9-10-1-1 et seq., the following definitions shall apply unless the context clearly indicates or requires a different meaning.
12 13	ASHES. The residue from the burning of wood, coal, coke, or other combustible materials.
14 15	COMMERCIAL COLLECTION. All collection not otherwise defined as residential collection.
16 17	COMMINGLED CONTAINERS. Any container used for the purpose of collecting multiple recyclables approved by the City.
18 19	HAZARDOUS WASTE. Any solid waste that meets the definition of hazardous waste under 40 CFR 261.3 and which because of its quantity,
20	concentration or physical, chemical or infectious characteristics may cause or
21	significantly contribute to an increase in mortality or an increase in serious
22	irreversible or incapacitating illness; or posed a substantial present or

1	potential hazard to human health or the environment when improperly
2	treated, stored, transported, disposed of or otherwise managed.
3	INFECTIOUS WASTE. A solid waste that carried a probable risk of
4	transmitting disease to humans, including but not limited to:
5	(1) Cultures and stocks of infectious agents and associated
6	biological.
7	(2) Human pathological wastes.
8	(3) Human and body fluid waste, including, but not limited to:
9	(a) Liquid waste human blood.
10	(b)Blood products.
11	(c) Items caking, flaking, saturated, or dripping with human
12	blood,
13	including serum, plasma, and other blood components.
14	(d) Items contaminated by body fluids from persons during
15	surgery,
16	autopsy, other medical procedures, or laboratory procedures.
17	(e) Specimens of blood products, and their containers
18	(f) Other potentially infectious materials, including but not
19	limited to,
20	the following body fluids: semen, vaginal secretions, cerebrospinal fluid,
21	synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid,
22	saliva in dental procedures, and body fluid that is visibly contaminated with
23	blood, and all body fluids in situations where it is difficult or impossible to
24	differentiate between body fluids.
25	(g) Contaminated animal carcasses, body parts, blood,
26	blood products,
27	Secretions, excretions, and bedding of animals that were known to have been
28	exposed to zoonotic infectious agents for non-zoonotic human pathogens.
29	(h) Biological wastes and waste contaminated with blood,
30	excretions,
31	exudates, or sections from.
32	(i) Discarded sharps, hypodermic needles, syringes (with
33	attached

Needle), Pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, culture dishes, suture needles, slides, cover slips, and other broken or unbroken glass or plastic ware, unless properly treated or otherwise specifically exempted.

MAYOR. The Mayor of the City or his designated representative.

MULTIPLE FAMILY DWELLING. A building or portion thereof, designed for occupancy of two or more families living independently.

PERSON. Any natural person or any firm, partnership, association, corporation, company, or organization of any kind.

PROPERTY MANAGEMENT COMPANY OR HOMEOWNERS ASSOCIATION. A business or association of homeowners within a community whose purpose includes to ensure the provision of and maintenance of community facilities and services for the common benefit of the residents, including arranging for solid waste and recycling services.

RECYCLABLE MATERIALS. Materials that would otherwise become refuse if not recycled and that can be collected, separated, processed, reclaimed or composted and placed in use in the form of raw materials, or products.

RECYCLING. Any process by which recyclable materials are collected, separated, processed, reclaimed or composted and reused or returned to use in the form of raw materials or products.

REFUSE. Includes but is not limited to all putrescible and nonputrescible solid wastes (except body wastes) such as garbage, rejected or waste food, offal, swill, ashes, dirt, slop, waste paper, trash, rubbish, waste, litter or unwholesome material of any kind; street cleaning; but shall not include hazardous or toxic wastes, such as paints, corrosives, combustibles, oils, poisons, dead animals, hot ashes, coals, vehicle batteries, infectious waste and heavy or large building materials.

RESIDENTIAL COLLECTION. All non-commercial collection from eight or less mobile homes on a single site, multiple dwellings with eight or less dwelling units on a single site, and single dwellings.

RESPONSIBLE PARTY. For single-family dwellings the responsible party shall be the property owner. For a multiple-family dwelling the responsible party shall be the owner, manager, or agent. For a business, the responsible party shall be the property owner.

RUBBISH. Includes but is not limited to all nonputrescibile solid wastes (excluding ashes), such as vehicle bodies and solid both combustible and noncombustible wastes such as paper, cardboard, cans, wood, yard clippings, leaves, dirt, glass, bedding, crockery, and similar materials.

SITE. Any lot held in single ownership and requiring solid waste collection services; if several adjacent lots are owned by a developer at the time of building permit issuance, there is a refutable presumption that they will be separate sites when solid waste collection is required.

SOLID WASTE. Includes but not be limited to discarded material, refuse, garbage, rubbish, litter, recyclable materials, green waste, yard waste, or any waste that meets the definition of solid waste under 40 CFR 2861.2

Any other waste not permitted for collection or disposal at the landfill, convenience centers, or approved for recycling.

§ 9-10-1-4 ADMINISTRATION.

- (A) The Mayor is responsible for the administration of §§ 9-10-1-1 et seq.
 - (B) Powers delegated to the Mayor may be delegated by the Mayor to other
- Appropriate City departments as he/she may deem necessary to carry out the requirements of §§ 9-10-1-1 et seq.
 - (C) Reasonable rules and regulations shall be prescribed by the Mayor in written form to
- carry out the intent and purpose of §§ 9-10-1-1 et seq.
- (D) The Mayor shall have the authority to establish reasonable fees for services for
- 30 which fees are not otherwise provided herein.

1 2	(E) The Mayor shall have the authority to delay, suspend or deny collection or disposal
	•
3	Services for failure to comply with §§ 9-10-1-1 et seq. and the rules and regulations prescribed
4	•
5 6	(F)It shall be unlawful for any person to threaten, intimidate, use violence or physical
7	force to intentionally obstruct, impede or interfere with any City employee's
8	duties as authorized by §§ 9-10-1-1 et seq.
9	§9-10-1-5 COLLECTION AUTHORIZATION.
10	(A) Except as otherwise provided herein, all refuse accumulated in
11	the City shall be
12	collected, conveyed, and disposed by the City. No person shall collect, convey
13	over any of the streets or alleys of the City, or dispose of any refuse
14	accumulated in the City except as herein provided. The Mayor shall have the
15	authority to make regulations concerning the days of collections, type and
16	location of pick-up, conveyance and disposal, as he/she should find necessary
17	and to change and revoke same.
18	(B) Sections 9-10-1-1 et seq. shall not prohibit the actual producers of
19	solid waste or the
20	owners of premises upon which solid waste has accumulated from personally
21	collecting, conveying disposing of such solid waste. Producers or owners must
22	comply with the provisions herein and with any other governing law or
23	ordinances and pay applicable collection fees for the level of service as deemed
24	by the Mayor or designee that is required absent any private collection,
25	conveyance or disposal of solid waste. The Mayor may enjoin the collection,
26	conveyance or disposal of solid waste by commercial entities.
27	(C) Annual Permit to Transport Solid Waste. The Mayor is authorized
28	to issue permits
29	for a fee determined by the Mayor or designee to transport, by persons other
30	than

1	actual producers or owners of premises upon which commercial solid waste
2	accumulates certain types of solid waste. The Mayor is authorized to waive
3	the following applicable collection fees:
4	(1) Construction or demolition site debris.
5	(2) Plant-material debris, including trees
6	(3) Material being transported for the purpose of recycling.
7	(D) Regional Resource Recovery Program. The Mayor is authorized
8	to initiate studies
9	For the regional need, location, and operation of facilities to recover material
10	or energy resources from solid waste.
11	§ 9-10-1-6 RECOLLECTION PRACTICES.
12	(A) Separation of Refuse. Refuse, ashes and recyclable material shall
13	each be placed and
14	maintained in separate containers if the Mayor so requires.
15	(B) Preparation of Commercial Refuse. All refuse placed in refuse
16	containers for
17	collection shall be drained of all liquids.
18	(C) Duty to Provide and Maintain Commercial Containers in Sanitary
19	Condition. Refuse
20	containers shall be provided by the owner, tenant, lessee, manager, or
21	occupant of the premises. Refuse containers shall be maintained in good
22	condition by the property owner. Any container that does not conform to the
23	provisions of §§ 9-10-1-1 et. Seq. or that may have ragged or sharp edges or
24	any other defect liable to hamper or injure the person collection the contents
25	thereof shall be promptly replaced by the property owner with thirty (30)
26	days of notification. If the property owner fails to comply, the Mayor or
27	designate may suspend service.
28	(D) Commercial Refuse Containers.
29	(1) Commercial or business establishments, nine or more multiple

family dwellings

1	on a single site, and nine or more mobile homes on a single site shall be
2	required to furnish metal bins built according to specifications as set forth by
3	the Mayor.
4	(2) They shall be kept in a clean, neat, and sanitary condition at all
5	times, by the
6	property owner. This shall include a requirement that the bins be kept
7	painted and maintained as necessary by the property owner to maintain a
8	clean and neat condition. Containers must be free of all graffiti. The City has
9	the right to identify any public or private collection container with identifying
10	marks, radio frequency identification (RFID) tags, or other technique, for the
11	purpose of uniquely identifying the collection container for service or
12	tracking. Such need and specifications shall be based on the volume and type
13	of refuse produced by the particular commercial or business establishment or
14	multiple family dwelling.
15	(3) It is the duty of the owner, tenant lessee, manager, or occupant of
16	the premises
17	to provide containers that are compatible with City equipment and meet all
18	other specifications established by the Mayor. It is the duty of the owner,
19	tenant, lessee, manager, or occupant to contact the Solid Waste Management
20	Department of the City on any relocation of container, change of service or
21	change of business.
22	(4) Commercial Garbage Containers. Garbage containers shall be
23	equipped with
24	suitable handles and tight fitting covers, and shall be watertight. Garbage
25	containers shall be of a type approved by the Mayor and shall be kept clean,
26	neat, and in sanitary condition at all times.
27	(5) Containers for Hot Ashes and Other Materials
28	(a) No person shall deposit hot ashes, cinders, smoldering
29	coals, or
30	greasy or oily substances liable to spontaneous combustion, into any
31	combustible receptacle, or place the same within ten feet of any combustible
	real factor of the property of

materials.

1 2	(b)For at least 48 hours prior to the scheduled time of collection, ashes
3	or cinders shall be cold, and shall be placed in a sealed plastic bag with a
4	capacity of not more than 20 gallons and when loaded shall weight not more
5	than 50 pounds, and then may be placed in the approved City container.
6	(E) Residential Refuse and Recyclable Material Containers.
7 8	(1) Single family dwellings and multiple family dwellings of eight or less of eight or
9	Less dwellings on a single site, and mobile homes of eight or less mobile
10	homes on a single site and other customers using automation collection carts
11	shall be required to enclose all refuse and recyclable material in the following
12	manner as determined by the Mayor:
13	(a) Automated collection carts may not exceed 150 pounds
14	when full.
15	(b)All refuse and/or recyclable material shall be properly
16	contained and
17	And secured before being placed in the automated collection card and the lid
18	shall be closed so as to prevent contents from being scattered, blown or
19	spilled.
20	(c) Any areas served by manual collection, using plastic
21	bags will not
22	Exceed 40 pounds when containing refuse. All large and disposable
23	containers and plastic bags must be tightly secured so as to prevent refuse
24	from being scattered, blown or spilled. Sharp or extremely heavy materials
25	will be placed in disposable containers other than plastic bags. Tree
26	trimmings and similar refuse suitable for bundling will be tied in bundles not
27	to exceed four feet in length and two feet in diameter and 40 pounds weight.
28	(d) Any areas served by annual collection, must have
29	recyclable
30	Materials properly bundled, packaged, and placed at the curb for collection,
31	as determined by the Mayor.

(2) Residential refuse and recyclable material shall be placed out for pick up no later

than 7:00 a.m., on the regularly scheduled day but no sooner than 12 hours prior to pick up unless otherwise specified by the Mayor. Residents who put their refuse and/or recyclable materials out after the truck has been there, or have had their solid waste blocked or hidden from view by any object such as a vehicle, shall be responsible for storing their refuse and/or recyclable material until their next regular day of pick up, or pay an additional fee as determined by the Mayor for requested curbside collection service or disposing of it at an approved disposal facility unless otherwise specified by the Mayor.

(3) Residential refuse and recyclable material shall be placed in the street, against

the curb but shall not be placed on the sidewalk and shall be clear of pedestrian and vehicular traffic. City issued automation collection carts containing refuse or recyclable material shall be placed in the gutter, wheels against the curb, near the right side of the driveway, or as close as possible to the edge of the street. Such refuse and/or recyclable material shall be clearly visible and accessible for solid waste collection, and free from any obstructions including but not limited to mailboxes, trees, shrubbery, walls, fences, other carts and vehicles. Residents who fall to comply shall be responsible for storing their refuse and/or recyclable material until their next regular pick up day, or pay an additional fee as determined by the Mayor for requested curbside collection service or disposing of it at an approved disposal facility unless otherwise specified by the Mayor or his designated representative. The Mayor shall have the authority to designate the collection site where required by special circumstances based on standards and regulations authorized by §§ 9-10-1-1 et seq.

(4) Within 24 hours after scheduled pickup, automated collection carts shall be

removed from curbside.

(5) For at least 48 hours prior to the scheduled time of collection, ashes or cinders

1	Shall be cold and shall be placed in a sealed plastic bag with a capacity of not
2	more than 20 gallons and when loaded shall weight not more than 50 pounds
3	and then placed in automated collection carts or manual collection plastic
4	bags.
5	(6) Automated collection carts are the property of the City.

(6) Automated collection carts are the property of the City.
Automated collection

Carts assigned to a specific street address and shall be maintained and cleaned by the user. Automated collection carts shall not be modified or altered in any way. It is the responsibility of the property owner to ensure that the cart used for service is the cart that is assigned to that street address.

(7) Automated collection carts shall be available for retrieval by the Solid Waste

Management Department before service can be suspended, with a letter of vacant premise (See § 9-10-1-11 (C) (2)). If the assigned automation collection cart is not recovered, a replacement fee will be charged to the property owner.

§ 9-10-1-7 STORAGE OF SOLID WASTE FOR COMMERCIAL AND MULTIFAMILY DWELLING COLLECTION

- (A) Appearance of Collection Points. At every commercial and multiple family dwelling collection point which is within 80 feet of a public street, solid waste and recyclable material containers shall be shielded from public view in accordance with City of Albuquerque Solid Waste Enclosure specifications. No commercial collection point shall be on public street right of way unless an appropriate variance is granted.
- (B) Selection and Design of Collection Points. Specific points for commercial collection,

multiple-family dwelling collection, solid waste storage, and pickup shall be designated by the Mayor, using the following procedure and criteria. A commercial collection, solid waste and recyclable material storage, and pickup point not so approved is unlawful.

(1) Site Plan Submission. A property owner or his agent, whose site will require

Commercial collection, shall submit an accurate site plan of the whole site for which service is desired to the City's Planning Department. The plan shall be drawn accurately, at a scale adequate to clearly sow all the following required data:

(2) Residential refuse and recyclable material shall be placed out for pick up no

later than 7:00 a.m. on the regularly scheduled day but no sooner than 12 hours prior to pick up unless otherwise specified by the Mayor. Residents who put their refuse and/or recyclable materials out after the truck has been there, or have had their solid waste blocked or hidden from view by any object such as a vehicle, shall be responsible for storing their refuse and/or recyclable material until their next regular day of pick up, or pay an additional fee as determined by the Mayor for requested curbside collection service or disposing of it at an approved disposal facility unless otherwise specified by the Mayor.

(3) Residential refuse and recyclable material shall be placed in the street,

against the curb but shall not be placed on the sidewalk and shall be clear of pedestrian and vehicular traffic. City issued automation collection carts containing refuse or recyclable material shall be placed in the gutter, wheels against the curb, near the right side of the driveway, or as close as possible to the edge of the street. Such refuse and/or recyclable material shall be clearly visible and accessible for solid waste collection, and free from any obstructions including but not limited to mailboxes, trees, shrubbery, walls, fences, other carts and vehicles. Residents who fail to comply shall be responsible for storing their refuse and/or recyclable material until their next regular pick up day, or pay an additional fee as determined by the Mayor for requested curbside collection service or disposing of it at an approved disposal facility unless otherwise specified by the Mayor or his designated representative. The Mayor shall have the authority to designate the collection site where required by special circumstances based on standards and regulations authorized by §§ 9-10-1-1 et seq.

1 2	(4) Within 24 hours after scheduled pickup, automated collection carts shall be
3	removed from curbside.
4 5	(5) For at least 48 hours prior to the scheduled time of collection, ashes or
6	Cinders shall be cold and shall be placed in a sealed plastic bag with a capacity of not more than 20 gallons and when loaded shall weight not more
8 9	than 50 pounds and then placed in automated collection carts or manual collection plastic bags.
10 11	(6) Automated collection carts are the property of the City. Automated
12 13 14 15 16	Collection carts are the property of the City. Automated collection carts are assigned to specific street address and shall be maintained and cleaned by the user. Automated collection carts shall not be modified or altered in any way. It is the responsibility of the property owner to ensure that the cart used for service is the cart that is assigned to that street address.
17 18	(7) Automated collection carts shall be available for retrieval by Solid Waste
19 20 21	Management Department before service can be suspended, with a letter of vacant premise (See \S 9-10-1-11 \circledcirc (2)). If the assigned automation collection cart is not recovered, a replacement fee will be charged to the property owner.
22 23	§9-10-1-7 STORAGE OF SOLID WASTE FOR COMMERCIAL AND MULTI-FAMILY DWELLING COLLECTION
24 25	(A) Appearance of Collection Points. At every commercial and multiple family dwelling
26 27 28 29 30	collection point which is within 80 feet of a public street, solid waste and recyclable material containers shall be shielded from public view in accordance with City of Albuquerque Solid Waste Enclosure specifications. No commercial collection point shall be on public street right of way unless an appropriate variance is granted.

1	(B) Selection and Design of Collection Points. Specific points for
2	commercial collection,
3	multiple-family dwelling collection, solid waste storage, and pickup shall be
4	designated by the Mayor, using the following procedure and criteria. A
5	commercial collection, solid waste and recyclable material storage, and pickup
6	point not so approved is unlawful.
7	(1) Site Plan Submission. A property owner or his agent, whose
8	site will require
9	Commercial collection, shall submit an accurate site plan of the whole site for
10	which service is desired to the City's Planning Department. The plan shall be
11	drawn accurately, at a scale adequate to clearly show all the following
12	required data:
13	(a) Lot lines.
14	(b)Existing and planned buildings
15	(c) Proposed collection points and enclosures
16	(d)On the premises or on public right-of-way within 15 feet
17	of the
18	Premises – existing and planned sidewalks, curb cuts, drives, parking spaces,
19	landscaping, recreation areas, free-standing signs, poles (e.g., street lights),
20	and other structures, provided that these items may be omitted where not
21	within 15 feet of a street, private drive, or refuse collection point.
22	(e) On the premises or adjacent to the premises of public
23	right-of-way-
24	Fire plugs and bus stops.
25	(f) Must clearly address residential neighborhoods that are
26	within 40
27	Feet of collection point.
28	(2) Enclosure Plan Submission. A property owner or his agent,
29	whose site will

1	Require commercial collection and/or multiple-family dwelling recycling
2	collection, shall submit a plan of the proposed solid waste container enclosure
3	when the site plan is submitted.
4	(3) Site Plan Review and Approval
5	(a) The Mayor may approve requested locations for
6	commercial
7	Collections and enclosures or may require alternative locations. Such
8	alternative locations shall be drawn on the relevant site plan and accepted by
9	the applicant.
LO	(b) The Mayor shall evaluate and select locations for
l1	commercial
L2	Collections according to the following criteria:
L3	1. Collection from public alleys shall be maximized,
L4	to the extent
L5	That it is consistent with efficient collection routes.
L6	2. Ready, safe access by City vehicles and crews shall
L7	be
L8	available.
L9	3. View from public street shall be minimized
20	4. Distance from residences and outdoor recreation
21	or relaxation
22	areas shall be maximized.
23	5. Distance from bus stops shall be maximized.
24	(c) No site plan shall be approved if it is contrary to the
25	provisions of
26	Zoning Code or plans approved thereunder. No site plan shall be approved if
27	it would place a container which is over three feet high in a required front or
28	corner zoning setback area unless such a container was approved prior to
29	October 1, 1985.

1 2	(d) No site plan shall be approved if it locates a container on public
3	street right of way unless an appropriate variance is granted.
4	(e) Commercial collection sites shall be paved with a
5	concrete apron
6	Meeting City of Albuquerque Solid Waste specifications for the designated
7	container. However, commercial collection sites approved prior to October 1,
8	1985, which sites were paved in a way which met the off-street parking
9	requirements of the Zoning Code (§14-16-3-1 (E) (1)) prior to that date are
10	exempt from the concrete-paving requirement if the owner of the property
11 12	agrees in writing to maintain the paving and hold the City harmless for any damage to the pavement resulting from solid waste collections.
13	(e) At the time the site plan is submitted, the Mayor shall
14	confirm that
15	Commercial service is appropriate as provided for herein.
16 17	(f) The site plan approved under this section shall be considered part of
18	The service agreement between the City and the person contracting for the
19	City solid waste collection.
20	4. Enclosure Plan Review and Approval. The Mayor shall
21	approve plans for design of enclosures for commercial collection points
22	according to the following criteria:
23	(a) The barrier shall provide an attractive enclosure
24	between public streets and solid waste containers.
25	1. While a straight enclosure will usually be
26	sufficient, the Mayor may require up to four sides with a moveable gate or
27	door if the Mayor determines that this is necessary to sufficiently diminish the
28	view of the solid waste container from public streets.
29	2. The high of the enclosure shall be not less than the
30	height of the container which is or will be utilized on the site. This height shall
31	be determined by the Plan

1 Reviewer at the time of site plan submittal for building permit.

- 3. The location, design, color, and material of the enclosure shall be compatible with the principal building, the use of the site, and the landscaping thereof.
- (b) The enclosure shall not interfere with reasonable solid waste collection.
 - (c) The enclosure shall be so constructed that reasonable wear and tear from solid waste collection should not damage it. The enclosure must meet approved City of Albuquerque Solid Waste Enclosure Specifications.
 - (d) The enclosure plan approved under this section may be revoked in the event the type, size, or number of containers used at the site changed or in the event that the enclosure is improperly installed or maintained, so that it does not attractively screen the collection site as intended.
 - (C) Effective Date for Requirement for Conformance to Site Plans; Shielding Collection Points and Removal of Illegal Containers.
 - (1) Any proposed building or land use which requires commercial collection of refuse, for which a building permit has not been issued or the use began by September 30, 1985 shall be developed and maintained in good condition with refuse collection points in conformance to a site plan submitted and approved according to the provisions of this section.
 - (2) The owner of real property which requires commercial collection of refuse on which there is a collection point which is not covered by division (C) (1) above, is not required to meet the enclosure requirements of this section unless there is a material change in the premises which effects refuse collection; however, all owners of property with commercial collection are encouraged to comply with this section as to enclosures.
 - (3) The requirement for removing illegal collection points on public street right-of-way shall be met not later than December 31, 1985 unless immediate compliance is required through coverage by division (C) (1) above, as set forth in division (D) (2) of this section.

1	(D) Variances. In appropriate cases, the Mayor may grant full or
2	partial variances from the requirement for collection point location or
3	enclosure specified elsewhere in this section. Variance from §§9-10-1-1 et seq.
4	must be applied for in writing by the owner or person in possession of real
5	property which requires commercial collection of refuse.
6	(1) A variance may be given when the Mayor finds that provision
7	of the normal enclosure:
8	(a) Would not further the purpose of §§ 9-10-1-1 et seq. due
9	to the limited visibility of the collection site; or
10	(b) Would result in an arbitrary and unreasonable taking
11	of property or impose undue economic burden.
12	(2) A variance to allow a commercial collection point on public
13	street right-of-way may be given by the Mayor if he finds that:
14	(a) There is no feasible location for a collection point on
15	the site;
16	(b) Commercial type collection is essential; and
17	(c) The City Traffic Engineer certifies that the location on
18	the public street right-of way is not a significant traffic or visibility hazard.
19	(3) The Mayor shall not approve a variance which:
20	(a) Would result in a condition injurious to public health
21	or safety; or
22	(b) Is not justified by a weighing of the relative interests of
23	the applicant and the general public.
24	(4) The purpose of §§ 9-10-1-1 et seq. is served by commercial
25	collection containers readily visible from a public street if:
26	(a) The area is zoned C-3 Heavy Commercial, M-1 Light
27	Manufacturing, or M-2 Heavy Manufacturing;
28	(b) The container is near a public street designated as a
29	local street;

1	(c) The site cannot provide a conforming collection site and/or enclosure without unreasonable expense to the property owner; and
3	(d) The conditions of the containers will be maintained in good repair and properly painted.
5	(5) Variance granted shall be based on specific findings, and a written record of such findings and decisions shall be preserved.
7 8 9	(6) More detailed guidelines for granting variances shall be developed by the Mayor as part of the rules and regulations authorized by §§ 9-10-1-1 et seq.
10 11 12	(7) The Mayor may revoke a variance when he finds that there has been a material change in the amount or type of refuse or in the use of the site, such that the variance is no longer justified.
13 14	(8) Any interested person may appeal an administrative decision on a variance to the Zoning Hearing Examiner.
15 16	(9) The City may be rule adopt fees to pay the City cost of processing such variance request or appeals.
17	§ 9-10-1-8 COLLECTION PRACTICES.
18 19 20	(A) Frequency of Collection.(1) Residential. Refuse and recyclable material accumulated by residences shall
21	be collected at such times and frequency as deemed necessary by the Mayor.
22 23	(2) Commercial. Hotels, restaurants, and other such businesses and institutions as
24 25	deemed necessary by the Mayor shall enter into an agreement for greater frequency of collection.
26 27	(a) The Mayor shall have the authority to require that more frequent collection
28	be made where necessary to protect the public health.
29 30	(b) The Mayor shall have the authority to determine when inaccessible

containers will be serviced, provided, however, the Mayor has the authority to 1 charge a special fee for such collection. 2 (c) The Mayor, in his or her discretion shall have the authority to 3 4 charge a Special fee for unscheduled or emergency collection (See § 9-10-1-4 (D)). 5 (d) All commercial containers are to be accessible between the 6 hours of 5:00 7 a.m. and 8:00 p.m., or as otherwise designated by the Mayor. If containers 8 are not readily accessible, the Mayor shall have the authority to charge a 9 special fee for late collection (See § 10 9-10-1-4 (D)). 11 (B) Limitations on Quantity. 12 (1) Residential. The City shall collect the refuse and recyclable material 13 of each family 14 During a collection period for the standard charge. Any excessive 15 accumulation as determined by the Mayor may require a special collection at 16 an additional fee. 17 The City shall collect all refuse which is contained (2) Commercial. 18 inside the approved 19 Container to be serviced for that location. Any excess accumulation outside 20 the designated contract container shall be collected by a special collection at 21 an additional fee. The refuse must not exceed the container capacity and the 22 refuse container lid must be closed at all times. The Mayor shall have the 23 authority to determine where the compaction of refuse is required. 24 (C) Special Solid Waste Disposal. 25 (1) Infectious Waste. Waste from homes, hospitals, nursing homes, or 26 other places 27 where highly infectious or contagious diseases have prevailed shall not be 28 placed in containers for regular collection. The producers of such waste shall 29 dispose of it in accordance with all applicable regulations. If hazardous or 30 infectious waste is transported without knowledge by the Solid Waste 31

- Management Department, any fines and/or associated costs for cleanup will be reimbursed to the City of Albuquerque by the property owner.
 - (2) Highly Flammable or Explosive Solid Waste. Highly flammable or explosive

- materials shall not be placed in containers for regular collection and disposal. The producers of such solid waste shall immediately notify the Mayor who shall direct the proper collection and disposal of such solid waste at the expense of the owner or possessor thereof.
- (3) Hazardous Waste. Hazardous waste may only be disposed of in accordance with all
 - City, State and Federal regulations. The City further reserves the right to prohibit the disposal of materials otherwise identified or defined as hazardous waste in § 9-10-1-3.
 - (4) Tires. Commercial businesses shall dispose of tires in a container designated for tire
 - disposal only. Any commercial business that places tires in a container designated for residential or commercial refuse will be assessed an additional fee. Containers designated for tire pick up by the City must be compatible with City equipment. Separate tire disposal containers must not contain any solid waste or a penalty will be assessed. See Section 9-10-1-98 and Section 9-10-1-99 below. The City shall not be responsible for procuring or maintaining containers for the disposal of tires. Tire disposal fees will apply.
 - (D) Collection by Actual Commercial Producers.
 - (1) Requirements for Vehicles. The actual commercial producers of refuse, the owners

of premises upon which such refuse is accumulated who desire who desire personally to collect and dispose of such refuse, or licensed transporters of refuse, and persons who desire to dispose of waste material not included in the definition of refuse shall do so only with compliance with the rules and regulations authorized by § 9-10-1-1 et seq. Such collection shall be accomplished through the use of a vehicle provided with a tightly secured

1 2	cover. Such vehicles shall be operated to prevent offensive odors escaping therefrom and refuse from being blown, dropped, or spilled.
3	(2) Disposal. Disposal of refuse by persons so permitted under this division (D) shall
5	be made at a site authorized by the City.
6 7	(3) Rules and Regulations. The Mayor shall have the authority to make other such
8	reasonable regulations concerning individual collections or disposal.
9 10	(4) Applicable Fees. Nothing herein shall be construed to exempt such producers or
11	owners from the fees provided herein.
12 13	(5) Refuse and Recyclable Material Property of City. Ownership of refuse and/or
14 15	recyclable material set out for the collection or disposed of in the City Sanitary Landfill shall be vested in the City upon collection or disposal.
16 17	(E) Change Between Residential and Commercial Collection Service. Notwithstanding any
18 19 20	other provisions in §§ 9-10-1-1 et seq. the City may require the person in control of real property to receive a type of collection service other than as defined in §§ 9-10-1-1 et seq., according to the following standards:
21 22	(1) Criteria for change between residential and commercial collection service shall be
23	as follows:
24	(a) Two or more of the following circumstances exist as to existing
25	service:
26 27	(1) The site serviced is unable to comply with requirements of §§ -10-1-1
28	Et. Seq. unless the type of collection is changed;
29	(2) The existing collection service cannot conform to all other
30	applicable City

1	Ordinances;
2	(3) The existing collection service creates a health or safety
3	hazard;
4	(4) There have been frequent, substantial amounts of loose
5	refuse around
6	the collection container, evidenced by two or more fines paid or six or more
7	neighborhood complaints: or
8	(5) The customer requests the change in service.
9	(b) In addition, the new class of service would meet all of the
10	following criteria:
11	(1) The site serviced will be able to comply with the
12	requirements of §§
13	9-10-1-1 et seq.;
14	(2) The new collection location conforms with all other
15	applicable City
16	Ordinances; and
17	(3) The new service would not be likely to create a healthy or
18	safety hazard.
19	(c) If an owner has eight or less dwelling units or mobile homes on
20	a single lot, it
21	may justify a change from commercial to residential service. The fact that an
22	owner owns additional dwellings on other lots in the vicinity does not
23	normally justify a change from residential to commercial collection service.
24	(2) If the City changes a site from commercial to residential collection,
25	the City shall offer to purchase any privately owned container it had
26	authorized for the commercial collection service. The price offered
27	shall reflect fair market value of the container in its present
28	condition.
29	(3) The owner or person in control of the real property shall be notified
30	of the City's
31	intended change of service at least 30 days in advance of its effective date.

- 1 (4) The owner or person in control of real property may appeal the proposed collection
- service change to the City's Zoning Hearing Examiner. The City may by rule adopt a fee to pay the City cost of such an appeal.
 - (F) Automated Collection Cart Charges.

6

7

8

9

10

- (1) On automated collection cart will be provided without cost to each residence.
- Thereafter, if the cart is lost or stolen or destroyed by the resident, a charge to cover the replacement cost of the container will be assessed. The City shall confiscate all carts that have not been assigned to a residence. Unlawful use of an additional cart will result in back charges and/or penalties.
- 12 (2) A monthly per cart fee will be charged for the use of each additional, 13 ninety-five
- gallon, automated collection cart. See the Collections and Disposal Rates
 Appendix attached to this Ordinance which includes the applicable effective
 dates. Additional cart charges will be assessed for a period of no less than six
 months.
- 18 (G) Rate Appendix. Rates are set by the Solid Waste Management
 19 Department, are subject
- to change, and are published in the Collection and Disposal Rate Appendix to this ordinance.
- § 9-10-1-9 DUMPING, ACCUMULATING, AND SCATTERING OF REFUSE
- (A) *Dumping*. No person may discard refuse anywhere outdoors within the boundaries of
- 26 The City except at a time and place approved for collection of that person's
- 27 refuse under the terms of §§9-10-1-1 et seq. and regulations authorized by
- said sections or other provisions of this code or ordinance of the City. No
- 29 person shall place refuse and/or recyclable material in the receptacle of
- another person without permission of that person.

1	(B) Unauthorized Accumulation. It shall be unlawful for any person to
2	allow any refuse to
3	collect or accumulate on any lot or other premises within the City of which he
4	is the owner, tenant, lessee, manager, or occupant. Any such unauthorized
5	accumulation or collection is hereby declared to be a nuisance and is
6	prohibited. In the even such person falls or refuses to remove at the expense
7	of such person, and such charge shall be a lien upon the property.
8	(C) Scattering of Refuse. No person shall cast, place, sweep, or deposit
9	anywhere in the
10	City any refuse in such a manner that it may be carried or deposited by the
11	elements upon any street, sidewalk, parkway, sever, other public place, vacant
12	lot, or into any premises within the City.
13	(D) Accumulation of Construction Refuse. Refuse resulting from
14	construction of structures
15	May be collected within an active construction site if and only if the refuse is
16	maintained in such a manner that it will not be blown to adjacent properties
17	by the wind.
18	(E) Accumulation for Recycling. Notwithstanding other provisions of §§ 9-
19	10-1-1 et seq., it
20	is lawful for any person to accumulate and collect rubbish for the purpose of
21	recycling it, provided that any collection point which is available to the public
22	is:
23	(1) Conforming to the Zoning Code;
24	(2) Not on public right of way; and
25	(3) Constructed so that the rubbish is contained at the collection
26	point so as to
27	not become a public nuisance, whether because the rubbish is blown, because
28	of the collection point's appearance, or for other reasons. Paper collected for
29	recycling shall be in an enclosure with a top or the paper shall be securely
30	bundled.
31	§ 9-10-1-10 MULTIPLE-FAMILY DWELLING RECYCLING.

1	(A) Requirements for Establishment of Recycling Program.
2	(1) The responsible party for each multiple-family dwelling of less than
3	25 units may
4	work with the City to establish a recycling program in accordance with the
5	terms listed herein unless otherwise specified by the Mayor.
6	(2) The responsible party for each multiple-family dwelling of 25 units
7	or more shall
8	Establish and manage a recycling collection program in accordance with the
9	terms listed herein unless otherwise specified by the Mayor.
10	(3) The City will be the collection agent for the recycling program. The
11	responsible
12	Party shall work with the City to determine the appropriate level of collection
13	service.
14	(4) The responsible party shall notify, in writing, its residents,
15	employees and/or clients
16	As applicable, that recycling participation is mandatory. Written notification
17	(i.e. letter, newsletter, email notice, etc.) shall be provided within 15 days to all
18	new residents and employees and no less frequently than bi-annually
19	thereafter to all existing residents and employees. The written notification
20	shall set forth the requirements of this article and include at minimum:
21	(a) What materials will be recycled.
22	(b) How the recyclable are to be prepared.
23	(c) Any set-out requirements.
24	(d)Location of recycling containers.
25	(e) Prohibitions against contamination of recyclables.
26	(f) Any other requirements necessary.
27	(B) Requirements for Materials to be Collected.
28	(1) Recyclables shall be properly bundled, packaged, and placed at the
29	collection point,
30	as determined by the Mayor.

- 1 (2) Recyclable material shall be placed out for pick up and be accessible no later than
- 6:00 a.m., on the regularly scheduled day unless otherwise specified by the Mayor. Customers who put their recyclable materials out aft he truck has been there, or have had their recyclable material blocked or hidden from view by any object such as a vehicle, shall be responsible for storing their recyclable material until their next regular day of pick up, or paying an additional fee as determined by the Mayor for requested collection service.
 - (3) Recyclable will be collected in commingled containers. Commingled containers are
 - The property of the City of Albuquerque. Commingled containers are assigned to a property for the purposes of multi-family dwelling recycling and shall be maintained and cleaned by the responsible party. Commingled containers may not be painted or altered in any way it is the responsibility of the responsible party to ensure that they commingle their recyclable material. If a commingled container is lost, stolen or damaged, a replacement fee will be assessed.
 - (4) If the commingled container is used for refuse a collection and disposal fee will be
 - charged as per the Collection and Disposal Rates Appendix attached to this ordinance.
 - (C) Provisions for Recycling Collection Points. Provisions for recycling collection points shall be as provided in § 9-10-1-7.
 - (D) Collection Fees. The monthly fee for collection will be the equivalent of the residential recycling fee times the number of unites regardless of occupancy.

§ 9-10-1-11 COLLECTION FEES.

- (A) Residential Collection. See the Collections and Disposal Rates Appendix attached to this ordinance,
- (1) A residential monthly basic services charge, plus applicable gross receipts and local option taxes is for the following services:

1	(a) Collection, and disposal of refuse created by residential use of
2	the premises;
3	(b) Collection and processing of recyclable material
4	(c) Residential large item pickup and graffiti, weed and litter
5	removal (Clean
6	Cities Program); and
7	(2) A monthly residential environmental needs charge - is for the
8	the following:
9	(a) A collection and disposal program for household hazardous
10	wastes and
11	Unclaimed dead animal removal which will be administered by the City.
12	(b) Landfill monitoring, investigation and remediation of former
13	City landfills.
14	Such charges shall not be construed to prevent the Mayor from imposing
15	reasonable extra charges for special inspection work or the removal of extra
16	charges for special inspection work or the removal of excessive amounts of
17	refuse.
18	(c) To monitor the landfill methane gas collection systems at
19	Cerro Colorado
20	and South Broadway Landfills.
21	(d) To address reclamation issues associated with old City
22	landfills including the
23	use of alternative methodologies, which could include the revival of waste in
24	place by collecting and transporting wastes to the Cerro Colorado Landfill.
25	(3) The cost of large item pick-ups is included in the monthly residential
26	collection rates.
27	There shall be no additional charge to collect large items such as air
28	conditioners, stove, dishwashers, washing machines, clothes dryers, water
29	heaters, lawn movers, door, sink, toilets, mattresses, furniture and televisions.
	, , , , , , , , , , , , , , , , , , , ,

1 (4) Except as approved by the Mayor, multiple dwelling units which have been approved

to receive automated cart collection services shall be subject to applicable collection fees as stated in the Collection and Disposal Rates Appendix, and will be assessed a fee for large item pick-up. Except as approved by the Mayor, multiple dwelling units within nine or more dwelling unites shall be subject to commercial rates.

(5) It is further provided that a low income credit of \$2.00 per month shall apply to

Owner occupied residences who qualify under the current United States Office of Management and Budget income guidelines. The Mayor shall establish procedures regarding certification for the above mentioned credit and shall periodically make administrative changes to the income guidelines, as circumstances require. An interfund transfer shall be made to the Solid Waste Operating Fund from the General Fund in an amount equal to the sum of all receipts given to monthly Solid Waste billings in accordance with the solid waste credit provided by §§ 9-10-1-1 et seq.

(B) Commercial Collection. Hotels, restaurants, other establishments and businesses,

institutions and multiple-unit dwellings receiving commercial type service shall have fees based on the type and frequency of service and the volume of the refuse container required to collect such refuse. The fees are set where applicable, as set forth in the Collection and Disposal Rates Appendix which includes the applicable effective dates, these fees shall reflect the actual cost of service from the level in effect immediately prior to that date.

(C) Starting and Stopping Service; Credit. All premises shall be charged solid waste

collection fees except as provided herein:

(1) Previously unoccupied residences. New home not previously occupied, including

model and show homes, will be the duty of the builder, contractor, or agent to notify the City in writing at the time of the sale.

1	(2) Vacant residential premises. Residential premises which become
2	vacant shall
3	continue to receive charges unless said unoccupied premises meet the
4	following conditions:
5	(a) The service suspension period shall be 90 consecutive days or
6	more;
7	(b)Premise was receiving residential (and not commercial
8	collection service;
9	(c) The customer's premises must be vacant of all occupants for
10	the entire
11	period of suspension:
12	(d) 1. Written request for service suspension is received by the
13	Solid Waste
14	Management Department ten days prior to the beginning of suspension. The
15	request shall include date of departure and expected return date. Solid waste
16	collection service and charges will resume on the expected return date.
17	2. Written request for suspension of service should be mailed,
18	or faxed to:
19	City of Albuquerque
20	Solid Waste Management Department
21	4600 Edith Blvd. N.E.
22	Albuquerque, New Mexico 87107
23	Fax (505)761-8101
24	3. Requests by telephone cannot be honored.
25	4. If refuse and/or recyclable material is found at the
26	premises during temporary suspension of service and it is determined said
27	refuse and/or recyclable material was generated by lawful occupants of the
28	premises, the customer may be back billed for entire suspension period.
29	5. Automated collection cart(s) must be retrieved by the Solid
30	Waste Management Department before service can be suspended or the cost
31	of replacement will be assessed.
32	(3) Vacant commercial premises. Commercial premises which become
33	vacant shall continue to receive charges until written application to stop

1	charges is received by the City. The owner, tenant, lessee, manager, or
2	occupant shall make such written application to the
3	Department at the address shown in Section (C) (2) (d) 2. above. Charges will
4	be stopped upon verification by the Department.
5	(3) Vacant commercial premises. Commercial premises which become
6	vacant shall
7	continue to receive charges until written application to stop charges is
8	received by the City. The owner, tenant, lessee, manager, or occupant shall
9	make such written application to the Department at the address shown in
10	Section (C) (2) (d) 2. above. Charges will be stopped upon verification by the
11	Department
12	(4) Credit or back charge adjustments may be made retroactive,
13	however, such
14	adjustments shall not exceed a period of four years.
15	(5) Any person making a false statement upon any application or
16	request pursuant to
17	§§ 9-10-1-1 et seq. shall be guilty of an ordinance violation.
18	(D) Payment. All charges shall be payable at the Office of the City
19	Treasurer, City Hall,
20	Albuquerque, New Mexico, or other locations as designated by the Mayor
21	and will become delinquent 15 days following the "due by" date on the
22	customer's utility statement.
23	(E) <i>Penalty</i> . A penalty of $1\frac{1}{2}$ % per month may be imposed on all
24	delinquent accounts.
25	(F)Responsibility of Payments Liens, and Depositions.
26	(1) The charges provided for herein are the personal responsibility of
27	the owner of the
28	property served; any fee, payment, or fee shifting arrangement with a tenant
29	or any other person is a third-party arrangement between the owner and the
30	other person or entity and is not binding on the City.
31	(2) The City may file a lien on such property for such charges including
32	any interest or penalties accruing on same.
33	(3) In the event the property is sold the original owner shall notify the
34	city as provided

1	herein the date of the transfer of title and the name and address of the new
2	owner.
3	(4) Reasonable deposits may be required of any customer when the
4	Mayor deems it
5	appropriate. Such deposits shall draw reasonable interest as determined by
6	the Mayor.
7	(G) Discontinuance of Service; Hearing.
8	(1) The City may cause the water supply to be turned off and
9	discontinue service to the
10	property if any charge provided for herein remains unpaid for a period of 30
11	days from the "due by" date on the property owner's utility statement.
12	Service may not be discontinued for delinquencies of a previous owners.
13	(2) In order to discontinue service, a written notice shall be sent to the
14	property owner
15	giving the property owner at least 15 days' notice of the termination of
16	services and notice of property owner's right to protest the City's action at a
17	hearing before the City Hearing Officer.
18	(3) The property owner must request in writing that a hearing be held
19	and such request
20	must be received by the City of Albuquerque Administrative Hearing Office
21	on or before the date the services are to be terminated. A nonrefundable
22	hearing fee of \$50.00 shall accompany each request for hearing by the City
23	Hearing Officer filed pursuant to this section. At such hearing, the property
24	owner and the Solid Waste Management Department may present evidence.
25	The Hearing Officer may affirm, overrule, or modify the decision to terminate
26	the services. The decision of the Hearing Officer shall be final. In the event a
27	hearing is requested, the services shall not be terminated until and in
28	accordance with the decision of the Hearing Officer.
29	(4) The Mayor shall establish rules or procedures for such hearings and
30	for
31	discontinuance of service not in conflict herewith.
32	(H) Rate Appendix. All rates are set by the Solid Waste Management
33	Department, are
34	subject to change, and are published in the Collection and Disposal Rate
35	Appendix in this ordinance.

1	(I) Legal Remedy. The City shall have a right to proceed for collection of
2	such unpaid
3	charges in any manner provided by the law for collection of a municipal
4	claim.
5	(J) Use of City Municipal Landfill and Convenience Centers.
6	(1) City Municipal Landfill.
7	(a) The City Municipal Landfill will accept solid waste from
8	licensed authorized
9	commercial haulers of two tones and over size vehicles and City collection
10	vehicles only, unless otherwise approved by the Mayor
11	(b) The City Municipal Landfill and convenience centers will not
12	accept
13	Hazardous wastes, unauthorized waste, or infectious wastes.
14	(c) The fees for disposal in the City Municipal Landfill are set
15	forth in the Collections and Disposal Rates Appendix, which
16	includes the applicable effective dates.
17	(2) City Convenience Centers.
18	(a) Any residential producer of refuse may dispose of same at any
19	City
20	Convenience Center for a fee set forth in the Collections and Disposal Rates
21	Appendix per each individual load plus applicable gross receipts and local
22	option taxes or \$1 per each individual load plus applicable gross receipts and
23	local option taxes. Any uncovered and/or unsecured load will be charged an
24	additional fee set forth in the Collections and Disposal Rates Appendix, which
25	includes the applicable effective dates, per individual load plus applicable
26	gross receipts and local option taxes. A load is equivalent to 64 cubic feet
27	(4'X8'X2').
28	(b) Any business or institution may dispose of commercial refuse,
29	except
30	unauthorized waste, infectious wastes or hazardous waste, at any City
31	Convenience Center for a fee set forth in the Collections and Disposal Rates
32	Appendix, which includes the applicable effective dates, per each individual
33	load plus applicable gross receipts and local option taxes. Any uncovered
34	and/or unsecured load will be charged an additional fee as set forth in the
35	Collections and Disposal Rates Appendix per individual load plus applicable

- gross receipts and local option taxes. A load is equivalent to 64 cubic feet (4'X8"X2").
- (c) Any vehicle transporting material to any City Convenience
 Center is limited to a rated capacity of under two tons.
 - (d) Salvaging and scavenging is prohibited at the city landfill, transfer stations, and convenience centers at all times without written permission of the Mayor.
 - (K) A fuel surcharge may be assessed each month to all refuse collection when the purchase
 - price of diesel fuel exceeds \$2.30 per gallon.
- 11 (L) The costs to provide current levels of service will be calculated each 12 year and presented
- to City Council as part of the budget process. Service rate adjustments may
- be recommended annually, based on controllable and uncontrollable
- expenses, and must be approved by the City Council.
- 16 § 9-10-1-12 BURNING OF SOLID WASTE
- No solid waste shall be burned within the City except as permitted by the
- 18 Mayor.

6

7

8

9

- 19 **§ 9-10-1-98 ENFORCEMENT.**
- 20 This ordinance will be enforced in accordance with the provisions of §§ 1-98-
- 21 ROA 1994.
- 22 **§9 10-1-99 PENALTY**
- 23 Any person convicted of a violation of the provisions of §§ 9-10-1-1 et. Seq. or
- 24 any regulation promulgated hereunder shall be guilty of a misdemeanor and
- shall be subject to the penalty provisions set forth in § 1-1-99 of this code of
- 26 ordinances."
- 27 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph,
- sentence, clause, work or phrase of this ordinance is for any reason held to be
- 29 invalid or unenforceable by any court of competent jurisdiction, such decision
- shall not affect the validity of the remaining provisions of this ordinance and
- each section, paragraph, sentence, clause, word, or phrase thereof irrespective
- of any provision being declared unconstitutional or otherwise invalid.
- 33 SECTION 3. COMPILATION. Section 1 of this ordinance shall be
- incorporated in and made part of the Revised Ordinance of Albuquerque,
- 35 New Mexico, 1994.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days after publication in full